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 New York Office

August 9, 2021

via ECF

Hon. Edgardo Ramos
 Thurgood Marshall United States Courthouse
 40 Foley Square
 New York, NY 10007

**Re: *Xia, et al. v. 65 West 87th Street Housing Development Fund Corporation et al.*,
 Case No. 1:20-cv-03576 (ER)**

Dear Judge Ramos:

We represent defendants 65 West 87th Street Housing Development Fund Corporation (the “Coop”), Christine Elbert, Anthony Sarmiento, and Angela Rojo (collectively, the “Defendants”). Pursuant to your Honor’s Individual Practices, I write to request that Defendants’ response to the August 3, 2021 submission by Bruce Cholst, Esq., counsel to non-party Samantha Pinkowitz, in further support of Defendants’ request for an order compelling Ms. Pinkowitz to appear for deposition, be filed under seal.

By way of background, pursuant to the Court’s August 4, 2021 memo-endorsed order, on August 6, 2021, we submitted our response to the Ms. Pinkowitz’ August 3 submission via ECF as Document No. 88. Inadvertently, our letter was filed to the open docket rather than in conjunction with a request to seal. As the filing was done after the close of business, we were not able to contact the Court’s ECF Helpdesk on this issue until today. Earlier today, I discussed our filing with your Courtroom Deputy Clerk, Ms. Rivera, who advised that Defendants should request that the ECF Helpdesk place a temporary seal on the document and then file via ECF a request to seal. The ECF Helpdesk placed a temporary seal on our August 6 response, ECF Document No. 88, as of noon today.

Defendants seek permission to file our response to Ms. Pinkowitz’ August 3 submission under seal because Defendants’ response recites some of the sensitive information set forth in Ms. Pinkowitz’ submission. As Ms. Pinkowitz sought and was granted leave to file her submission under seal due to the sensitive information it includes, we believe that filing the response under seal is appropriate.

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We thank the Court for its consideration of this request.

Respectfully submitted,

Elissa Rossi, Esq.

Cc: Alanna Kaufman, Esq. (*via* ECF)
Bruce Cholst, Esq. (*via* email on consent)

The request to file Defendants' response under seal is
GRANTED. It is SO ORDERED.



Edgardo Ramos, U.S.D.J

Dated: 8/9/2021

New York, New York